

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Terria Holcomb, as Personal
Representative for the Estate of Darius L.J.
Holcomb,

Plaintiff,

vs.

City of Spartanburg; Dylan Davis; and
Sean Jacob Coats,

Defendants.

STATE COURT CASE NO.:
2025-CP-42-00478

NOTICE OF REMOVAL

**TO: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA,
SPARTANBURG COUNTY COURT OF COMMON PLEAS, AND ALL PARTIES OF
RECORD**

YOU WILL PLEASE TAKE NOTICE, that pursuant to 28 U.S.C. §1331 and §1446, the Defendants, by and through their undersigned counsel, hereby request the removal of jurisdiction of this action from the Court of Common Pleas for the Seventh Judicial Circuit, State of South Carolina, County of Spartanburg, where it is now pending, to the United States District Court for the District of South Carolina. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1331, based upon federal question jurisdiction. More specifically, the removal is based upon the following:

1. The Plaintiff initiated this lawsuit against a State Entity and individual officers.
2. This litigation is related to the shooting death of Plaintiff's Decedent during an attempted arrest for failure to report as required by being designated on

the sex offender registry and for resisting arrests related to the Defendants' previous attempts to serve the warrant for the failure to report.

3. The Complaint asserts causes of action for Negligence, Gross Negligence, and Recklessness, Wrongful Death, Survival and Violation of Title II of the Americans with Disabilities Act.
4. This action was commenced against the Defendants in the Court of Common Pleas for the Seventh Judicial Circuit, State of South Carolina, County of Spartanburg, said action being designated as Civil Action Number 2025-CP-42-00478. Attached hereto is a copy of the Summons and Complaint and the Order of Dismissal of Spartanburg County Sheriff's Office.
5. Service of the initial pleadings setting forth the Plaintiff's claim for relief was effectuated on the City of Spartanburg by Acceptance of Service on March 17, 2025, on Defendant Dylan Davis by Acceptance of Service on April 1, 2025, and on Defendant Sean Jacob Combs by service of process on March 6, 2025. The time under which the Defendants are required to answer or otherwise respond to the complaint has not expired.
6. This Court has jurisdiction over this action and under the provision of 28 U.S.C. §1331, which provides that the United States District Court with jurisdiction in matters of all civil actions involving federal questions and/or the application of Federal Statutes.

7. More specifically, the Plaintiff's cause of action for the violation of Title II of the ADA requires the application for a Federal Statute thereby satisfying the federal question jurisdiction issue.
8. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being filed with the Clerk of Court for the Court of Common Pleas for the Seventh Judicial Circuit, State of South Carolina, County of Spartanburg and being served on the Plaintiff.
9. Pursuant to 28 U.S.C. §1446(d) the Defendants' Notice of Removal to the Plaintiff and Clerk of Court shall affect the removal and the State Court litigation shall proceed no further unless and until this case is remanded. The parties shall cease from the participation of discovery, including responding to any Plaintiff's Interrogatories, Requests to Produce, and Requests for Admission pending.

WHEREFORE, the Defendants pray that this court make any and all Orders necessary to affect the removal of this case from the Court of Common Pleas for the Seventh Judicial Circuit, State of South Carolina, County of Spartanburg.

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April 1, 2025